IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 36119 of 2007(Y)

OS.376/2005 of II ADDL.M.C., ERNAKULAM
.....

PETITIONER:

SUNIL @ KUTTAN, AGED 32 YEARS,
S/O.RAJAN ,PAZHAYA KOVIL CHIRA,
YOUNG SPOTTERS ROAD, PANANGAD 682 506,
ERNAKULAM DIST.

BY ADV. SRI.P.JACOB VARGHESE
SRI.VARUGHESE M EASO
SRI.VIVEK VARGHESE P.J.
SMT.NISHA JOHN
SRI.K.B.ARUN
SMT.ELIZEBETH MEERA
SRI.P.J.VINOD JOSEPH
SMT.NITHARA GAYATRI

RESPONDENTS:
----

1. SURESH I.R.,S/O. ILLATHU RAGHAVAN
KURAPPILLIL HOUSE, NETTOOR P.O., 682 304
ERNAKULAM DISTRICT.

2. SATHY,W/O.L RAJAN,PAZHAYAKOVIL CHIRA
YOUNG SPOTTERS ROAD, PANANGAD 682 506
ERNAKULAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

W.P.C. NO. 36119 OF 2007

= = = = = = = = = = = = = = =

Dated this the 6th day of December, 2007.

J U D G M E N T

This writ petition is preferred to issue an order of status quo restraining the respondents, their men or agents from interfering with the peaceful enjoyment of plaint D schedule property by the petitioner and his family as a pathway including vehicular traffic till the certified copy of the judgment is received by the petitioner as per Ext.P2. The petitioner has also moved one application Ext.P5 with a prayer to the Court below for such an order. This Court is not inclined to pass any order to direct the parties to maintain status quo for the reason that when one Court has find that petitioner is not entitled to recovery this Court without application of mind cannot pass interim orders which will go against the judgment of a Court competent to pass the same. Therefore the remedy for the petitioner, as rightly done by the petitioner, to move the same Court for some arrangement till the copies of the judgment are made

available. Since, Ext.P5 application is filed and I am told that it is being adjourned without passing any orders I direct the Addl.Munsiff-II, Ernakulam to consider that application and pass orders at the latest by 10.12.2007.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-